

REMARKS

[01] Claim 1 has been amended to make it clear which actions are performed by the user system and which actions are performed by the update site. Claim 3 has been amended to refer to existing Claim 1 rather than canceled Claim 2.

[02] Claim Objection

[03] The Office Action of March 26, 2007 objected to Claim 3 for referring back to a cancelled claim. Claim 3 has been amended to overcome this objection.

[04] Obviousness

[05] Item 8 of the Office Action rejects all pending claims as obvious given a combination of U.S. Patent Publication No. 2004/0133445 to Rajan et al., "Rajan" herein, and U.S. Patent No. 7,016,944 to Meyer, "Meyer" herein. As applied to the claims given the amendments indicated above, these rejections are traversed.

[06] The present invention describes a method in which usage data collected on a user system is transmitted to an update site, which uses the usage data to prioritize updates for the user system. Note that the application to be updated runs on the user system, while the prioritizing is performed by the update site. In other words, the entity performing the prioritizing is different from the entity running the application.

[07] Independent Claim 1 has been amended to make it clear that it is the update site that performs the prioritizing and that the application and usage data collection occur on the user system. Independent Claim 6 has been amended to make it clearer that the raw usage data is received from a user system; by implication, the usage data evaluator is

not on the user system. Claim 6 also has been amended to make it clear that the priorities are communicated to the user computer system.

[08] In Rajan, it is the application that does the prioritizing:

“After a user starts the application, the application detects components that are missing or have been updated. It then prioritizes the missing components based on user usage information and begins downloading those missing or updated components.”
(Rajan, paragraph [160]).

[09] Thus, in Rajan, the prioritizing is done on the user computer system, not on an update site as required by Claim 1 et seq.. Since the prioritizing is performed on the user computer system, there is no need to communicate the priorities to the user computer system, as required by Claim 6 et seq.

[10] In this case, the obviousness rejections are based on a combination of references. However, the secondary reference, Myers, does not disclose the “division of labor” required by the claims, i.e., where usage data is collected by a user system and analyzed and used to prioritize update on an update site.

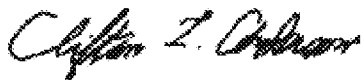
[11] The Office Action proposes that the motivation for modifying Rajan to present a list of prioritized updates to a user in accordance with the teachings of Myers would be to allow the user to choose which updates should be installed. As a corollary, the proposed modification would provide users the ability to reject updates. It is not at all clear that giving users the ability to reject updates is a good thing in a highly interactive and automated enterprise system such as the one disclosed in Rajan. Communications in such a system are highly dependent on components acting as expected when interacting with other components. A failure to update a component could lead to failed

communications and a cascade of errors in the wake of that failure. In any event, the Office Action does not establish that providing the user in Rajan the ability to select (and thus reject) updates would be a positive change. Therefore, the proposed motivation is suspect at best.

[12] CONCLUSION

[13] Applicants appreciate the Examiner's kind words regarding the thoroughness of the remarks of January, 2007, which are incorporated herein by reference. The present remarks attempt to focus on new issues raised by the most-recent Office Action that apply to all pending claims. In particular, the claims require some sort of division of labor between collecting raw usage data and evaluating that data to prioritize updates. This division of labor is not disclosed in either prior-art reference cited in the Office Action and combining the reference does not address this omission. Accordingly, it is respectfully submitted that the present application is in condition for allowance, which allowance is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Clifton L. Anderson".

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